

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-6, 21-22, 24, 26- 27, 29, and 31-36 are pending in this application. Claims 1, 4, 24, 29, 31, and 35-36 are amended and claim 23 has been cancelled. No claims have been added. Claims 1, 4, 24, 29, 31, and 36 are the independent claims.

**Claim Objection**

Claim 35 is objected to because the limitation “the of two thresholds” is unclear. Claim 35 has been amended to correct this minor informality. More specifically, in claim 35, on line 1, the phrase “the of two thresholds” has been amended to “the compared threshold.” Accordingly, Applicants respectfully request that the objection to claim 35 be withdrawn.

**Rejections under 35 U.S.C. § 103**

**Claims 1, 3, 4, 6, 21, 23, and 26 – Helander/Longoni/Al-Housami**

Claims 1, 3, 4, 6, 21, 23, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander (U.S. Patent No. 6,728,237, hereinafter Helander) in view of Longoni (U.S. Patent Application Publication No. 2002/0052206, hereinafter Longoni), and further in view of Al-Housami (U.S. Patent Application Publication No. 2001/0016497, hereinafter Al-Housami). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants submit that Helander discloses that a detecting means may be provided to *detect a change in the local load status*. If a change in the local load status is detected, the sending of load status information to a message composing means is activated. Helander, col.

12, lines 24-27. Helander further discloses that the provision of load status information to the message composing means may also be activated *upon the exceeding of a given limit*. Id., col. 12, lines 27-29. Thus, Helander discloses responding when a change in load status is detected or when a given threshold is reached rather than “determining a cell loading state based on a *comparison of cell loading to one or more thresholds associated with different periodicities*” as recited in amended independent claims 1 and 4.

Longoni and Al-Housami fail to cure this deficiency of Helander. Longoni merely recites “the load information can be transmitted, when the first RNC 3-1 determines a considerable change of the load of the controlled radio cell 13, e.g., when a critical threshold is reached.” Longoni, pg. 3, paragraph [0048]. In addition, Al-Housami merely recites “a dynamic limit is set which varies in accordance with the proportion of high rate terminals which are active in a particular communications cell.” Al-Housami, pg. 2, paragraph [0019]. As such, Longoni and Al-Housami fail to overcome the noted deficiencies of Helander.

Therefore, Helander, Longoni, or Al-Housami, alone or in combination, can not render independent claims 1 and 4 obvious to one skilled in the art. Claims 3, 6, 21, and 26, dependent upon either independent claim 1 or 4, are patentable at least for the reasons stated above with respect to those independent claims. Claim 23 has been cancelled, thereby rendering the rejection to this claim moot.

Applicants, therefore, respectfully request that the rejection to claims 1, 3, 4, 6, 21, 23, and 26 under 35 U.S.C. § 103(a) be withdrawn.

**Claims 2 and 5 – Helander/Longoni/Al-Housami/Ahn**

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and Al-Housami, and further in view of Ahn (U.S. Patent Application Publication No. 2002/0022487, hereinafter Ahn).

As discussed above, Helander, Longoni, or Al-Housami, alone or in combination, fails to disclose or suggest all of the features as recited in amended claims 1 and 4, the independent claims from which the rejected claims depend. Further, Ahn fails to overcome the noted deficiencies of Helander, Longoni, and Al-Housami. Thus, it is respectfully requested that the rejection to claims 2 and 5 be withdrawn.

**Claims 22, 27, 31-32, and 35 – Helander/Longoni/Al-Housami/Naslund**

Claims 22, 27, 31-32, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and Al-Housami, and further in view of Naslund (U.S. Patent No. 6,223,031, hereinafter Naslund). Applicants respectfully traverse this rejection for the reasons detailed below.

As similarly discussed above with respect to claims 1 and 4, Helander, Longoni, or Al-Housami, alone or in combination, fails to disclose or suggest “comparing a given cell loading measurement against one of two thresholds associated with different periodicities” as recited in amended independent claim 31. Further, Naslund fails to overcome the noted deficiencies of Helander, Longoni, and Al-Housami.

Claims 22, 27, 32, and 35, dependent upon either independent claim 1, 4, or 31, are patentable at least for the reasons stated above with respect to those independent claims. Thus, it is respectfully requested that the rejection to claims 22, 27, 31, 32, and 35 be withdrawn.

comparing a given cell loading measurement against one of two thresholds associated with different periodicities

**Claims 24 and 29 – Helander/Longoni**

Claims 24 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Helander or Longoni, alone or in combination, fails to disclose or suggest “determining a cell loading state based on a comparison of cell loading to one or more thresholds associated with different periodicities” as recited in amended independent claims 24 and 29.

Applicants, therefore, respectfully request that the rejection to claims 24 and 29 under 35 U.S.C. § 103(a) be withdrawn.

**Claims 33 and 34 – Helander/Longoni/Al-Housami/Naslund/Sawyer**

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni, Al-Housami, and Naslund, and further in view of Sawyer (U.S. Patent No. 5,794,140, hereinafter Sawyer). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Helander, Longoni, Al-Housami, or Naslund, alone or in combination, fails to disclose or suggest all the features as recited in claim 31, the independent claim from which the rejected claims depend. Further, Sawyer fails to overcome the noted deficiencies of Helander, Longoni, Al-Housami, and Naslund. Thus, it is respectfully requested that the rejection to claims 33 and 34 be withdrawn.

**Claim 36 – Helander/Longoni/Naslund**

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni, and further in view of Naslund. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Helander, Longoni or Naslund, alone or in combination, fails to disclose or suggest “comparing a given cell loading measurement against one of two thresholds associated with different periodicities” as recited in amended independent claim 36.

Applicants, therefore, respectfully request that the rejection to claim 36 under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

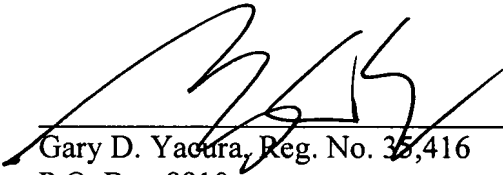
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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